

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE

L.E., by his next friends and
parents, SHELLY ESQUIVEL and
MARIO ESQUIVEL

Plaintiff

v.

No.

BILL LEE, in his official

3:21-cv-00835

capacity as Governor of

Tennessee; PENNY SCHWINN, in her

official capacity as the

Tennessee Education

Commissioner; TENNESSEE STATE

BOARD OF EDUCATION; SARA HEYBURN

MORRISON, in her official

capacity as the Executive

Director of the Tennessee State

Board of Education; NICK

DARNELL, MIKE EDWARDS, ROBERT

EBY, GORDON FERGUSON, ELISSA

KIM, LILIAN HARTGROVE, NATE

1 MORROW, LARRY JENSEN, DARRELL
2 COBBINS, and EMILY HOUSE, the
3 individual members of the
4 Tennessee State Board of
5 Education, in their official
6 capacities; KNOX COUNTY BOARD OF
7 EDUCATION a/k/a KNOX COUNTY
8 SCHOOLS a/k/a KNOX COUNTY SCHOOL
9 DISTRICT; ROBERT M. "BOB"
10 THOMAS, in his official capacity
11 as Director of Knox County
12 Schools

13 Defendants

14 -----

15 VIDEOCONFERENCE DEPOSITION OF

16 JOHN CRISTOPHER BARTLETT

17 DATE: Monday, July 25, 2022

18 TIME: 2:03 p.m.

19 LOCATION: Remote Proceeding

20 Washington, D.C. 20005

21 REPORTED BY: Janel B. Folsom, Notary Public

22 JOB NO.: 5338660

A P P E A R A N C E S

ON BEHALF OF PLAINTIFF L.E., BY HIS NEXT FRIENDS AND
PARENTS, SHELLEY ESQUIVEL AND MARIO ESQUIVEL:

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videoconference)
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ON BEHALF OF DEFENDANTS KNOX COUNTY BOARD OF EDUCATION
A/K/A KNOX COUNTY SCHOOLS A/K/A KNOX COUNTY SCHOOL
DISTRICT AND ROBERT M. "BOB" THOMAS, IN HIS CAPACITY
AS DIRECTOR OF KNOX COUNTY SCHOOLS AND WITNESS JOHN
CRISTOPHER BARTLETT:

JESSICA G. A. JERNIGAN-JOHNSON, ESQUIRE (by
videoconference)
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Knoxville, Tennessee 37902-2495
jessica.johnson@knoxcounty.org

A P P E A R A N C E S (Cont'd)

ON BEHALF OF DEFENDANTS BILL LEE, IN HIS OFFICIAL
CAPACITY AS GOVERNOR OF TENNESSEE; PENNY SCHWINN, IN
HER OFFICIAL CAPACITY AS THE TENNESSEE EDUCATION
COMMISSIONER; TENNESSEE STATE BOARD OF EDUCATION; SARA
HEYBURN MORRISON, IN HER CAPACITY AS THE EXECUTIVE
DIRECTOR OF THE TENNESSEE BOARD OF EDUCATION; AND NICK
DARNELL, MIKE EDWARDS, ROBERT EBY, GORDON FERGUSON,
ELISSA KIM, LILLIAN HARTGROVE, NATE MORROW, LARRY
JENSEN, DARRELL COBBINS, AND EMILY HOUSE, THE
INDIVIDUAL MEMBERS OF THE TENNESSEE STATE BOARD OF
EDUCATION, IN THEIR OFFICIAL CAPACITIES:

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videoconference)
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A P P E A R A N C E S (Cont'd)

ALSO PRESENT:

Tara L. Borelli, Esq., Lambda Legal Defense and
Education Fund Inc. (by videoconference)

Clark L. Hildabrand, Esq., Office of Tennessee
Attorney General (by videoconference)

Samuel L. Strongin, Esq., Office of Tennessee
Attorney General (by videoconference)

Travis Royer, Office of Tennessee Attorney
General (by videoconference)

Brandon Townsend, Office of Tennessee Attorney
General (by videoconference)

Jerry Curran, Technician, CMI Production Services
(by videoconference)

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P R O C E E D I N G S

THE REPORTER: Good afternoon. My name's Janel Folsom; I'm the reporter assigned by Veritext to take the record of this deposition. We are now on the record at 2:03 p.m. Eastern Daylight Time, on Monday, July 25, 2022.

This is the deposition of Dr. John Bartlett taken in the matter of L.E., by his next friends and parents, Shelley Esquivel and Mario Esquivel vs. Bill Lee, et al. Case no. 3:21-cv-00835 and is filed with the U.S. District Court, Middle District of Tennessee, Nashville Division. We are all participating via a Zoom videoconference call.

And I'm a notary authorized to take acknowledgements and administer oaths in the Commonwealth of Virginia. Parties agree that I will swear the witness remotely, outside of his presence.

Additionally, absent an objection on the record before the witness is sworn, all parties and the witness understand and agree that any certified transcript produced from the recording virtually of this proceeding:

1 - is intended for all uses permitted
2 under applicable procedural and
3 evidentiary rules and laws in the same
4 manner as a deposition recorded by
5 stenographic means; and
6 - shall constitute written stipulation
7 of such.

8 At this time will all the attorneys on
9 the call please introduce yourself for the record.
10 Let's see. Jessica, you can go first.

11 MS. JERNIGAN-JOHNSON: Hi. I'm Jessica
12 Jernigan-Johnson. I'm here on behalf of the Knox
13 County Board of Education and Bob Thomas, in his
14 official capacity, Defendants. And I'm also here for
15 Dr. Bartlett.

16 MR. COSTELLO-VEGA: And then I'm Thomas
17 Costello-Vega. I'm with the Plaintiff at the law firm
18 of WilmerHale. And I'm joined by my colleagues Samuel
19 Strongin, also with WilmerHale, and Tara Borelli with
20 Lambda Legal.

21 THE REPORTER: Okay. Is that
22 everybody? Sorry. I was looking down.

1 MS. BERGMEYER: Stephanie --

2 THE REPORTER: Yeah, Stephanie.

3 MS. BERGMEYER: Stephanie Bergmeyer;

4 I'm here on behalf of Governor Bill Lee, the other
5 state officials, and state entities in this case.

6 Clark Hildabrand is the assistant solicitor general;
7 he's here as well. And Brandon Townsend is an intern
8 with our office.

9 THE REPORTER: Okay. All right. All
10 right.

11 Dr. Bartlett, if you'd just raise your
12 right hand, I'll swear you in.

13 WHEREUPON,

14 JOHN CRISTOPHER BARTLETT,
15 called as a witness, and having been first duly sworn
16 to tell the truth, the whole truth, and nothing but
17 the truth, was examined and testified as follows:

18 THE REPORTER: Okay.

19 You can begin.

20 MR. COSTELLO-VEGA: All right.

21 //

22 //

1 members of the TSSAA?

2 A I --

3 MS. JERNIGAN-JOHNSON: Object to the
4 form.

5 A I believe so. I wouldn't -- I -- there may
6 be -- there may be some fluke one that's not, but I
7 don't know one.

8 Q Got it. But Farragut High School is a
9 member of TSSAA; is that right?

10 A Yes.

11 Q And so that means that Farragut High School
12 must comply with TSSAA policies?

13 A Yes.

14 Q Okay. And so it sounds like you have not
15 reviewed this policy before; is that correct?

16 A That's correct.

17 Q Were you aware of any TSSAA policies
18 governing the participation of transgender students in
19 school sports?

20 MS. JERNIGAN-JOHNSON: Object to the
21 form.

22 A Not prior to this issue coming up.

1 have.

2 MS. BERGMEYER: Okay. Wait.

3 THE REPORTER: Okay. And are we going
4 to -- I'm sorry.

5 THE TECH CONCIERGE: You're muted,
6 Janel.

7 THE REPORTER: I tried.

8 Are we -- if that's all the questions,
9 did you waive read and sign or would you like to do
10 that?

11 MS. JERNIGAN-JOHNSON: We'll waive read
12 and sign.

13 THE REPORTER: All right.

14 If that's all we have then we are off
15 the record at 3:51 p.m. Eastern Daylight Time.

16 (Signature waived.)

17 (Whereupon, at 3:51 p.m., the
18 proceeding was concluded.)

19

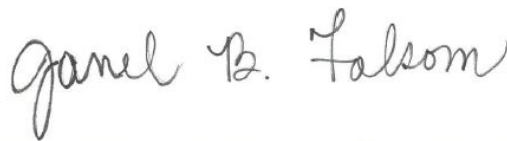
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CERTIFICATE OF DEPOSITION OFFICER

I, JANEL B. FOLSOM, the officer before whom the foregoing proceedings were taken, do hereby certify that any witness(es) in the foregoing proceedings, prior to testifying, were duly sworn; that the proceedings were recorded by me and thereafter reduced to typewriting by a qualified transcriptionist; that said digital audio recording of said proceedings are a true and accurate record to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



JANEL B. FOLSOM

Notary Public in and for the
Commonwealth of Virginia

CERTIFICATE OF TRANSCRIBER

I, ALICE AMUSIN, do hereby certify that this transcript was prepared from the digital audio recording of the foregoing proceeding, that said transcript is a true and accurate record of the proceedings to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



ALICE AMUSIN